

Guernsey, Greg

From: Tex Mitchell [tex@techmergency.com]
Sent: Wednesday, November 03, 2004 11:42 AM
To: Wynn, Will; Goodman, Jackie; Alvarez, Raul; Dunkerley, Betty; McCracken, Brewster; Slusher, Daryl; Thomas, Danny
Cc: Guernsey, Greg
Subject: Burns Street Zoning (Agenda Item 45) C14-04-0012.003

Monday evening, Ken McWilliams and his agent proposed a gated exit that would serve as a *secondary* exit for customers to exit with a rotating code.

After meeting with affected members of the neighborhood this evening, we are concerned this proposal by Ken McWilliams and his agent will allow and promote the use of our neighborhood streets as the *primary* exit for delivery trucks.

At this meeting, neighbors informed me of a much higher level of use currently by delivery trucks than I had previously been aware (despite signage prohibiting it). One neighbor mentioned witnessing multiple delivery trucks simultaneously exiting the property illegally via Hammack just this week. Developing this property into the owners proposed interior design center concept would demand more and larger deliveries requiring more and larger trucks.

While we will continue to entertain suggestions to remedy this, we feel the most appropriate solution is limiting commercial access to Burns entirely. Previous attempts to control this by posting signage have been entirely ineffective. The property owner's proposal does not promise to control this either.

It is important to repeat that commercial zoning on these lots fronting onto the residential Burns Street is not what was originally proposed by staff, never discussed during neighborhood planning, is out of place and we feel inappropriate in the middle of our neighborhood. It was originally proposed by staff and supported through neighborhood planning to be zoned MF-3.

Questions and comments are appreciated! Links to supporting documentation can be found at <http://techmergency.com/burns>

Thanks,
Tex Mitchell
tex@techmergency.com
<http://techmergency.com>

TECHMERGENCY, Inc
3915 Guadalupe St
Austin, TX 78751
ph: (866) NEED-TECH
fax: (877) 708-0970

Austin Neighborhoods Council

*Established 1973 • Strength Through Unity
Post Office Box 176 • Austin, Texas 78767*

September 22, 2004

To: Mayor and Council
City of Austin

From: Susan Pascoe
President

Subject: Highland Park

During the September 22, 2004 Austin Neighborhoods Council (ANC) meeting, a representative of the Highland Park Neighborhood Association presented their opposition to a planned commercial development in the Denson Drive area of North Lamar. The development would have access off Lamar, with traffic through the strip center, allowing traffic to exit into the neighborhood on Burns Street. This would increase traffic on residential streets, threatening resident safety.

The ANC membership unanimously approved the following motion to forward to City Council in support of the neighborhood:

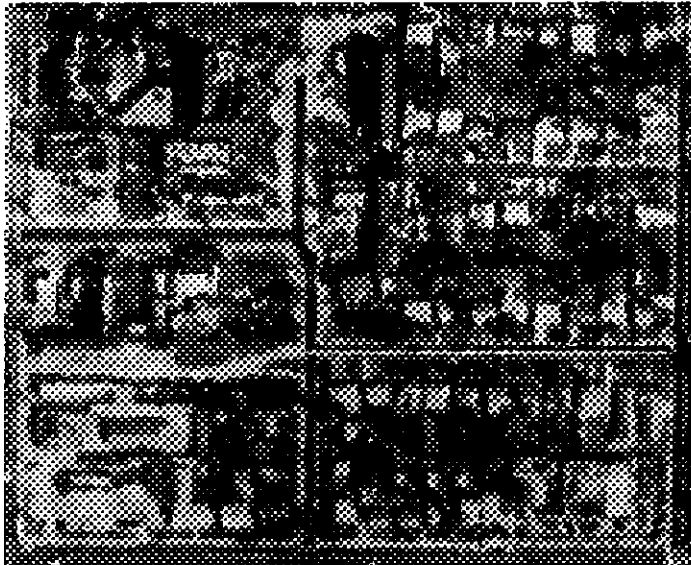
The Austin Neighborhoods Council supports the position of the Highland Park Neighborhood Association in their opposition to planned development that would allow commercial traffic into the surrounding neighborhoods.

The Austin Neighborhoods Council opposes actions such as this, which is similar to the approval of Walgreen's zoning change on South Lamar, which allows commercial traffic into surrounding neighborhoods. Austin's neighborhoods and residents must not be sacrificed to placate commercial developers.

6208 – 6210 Burns

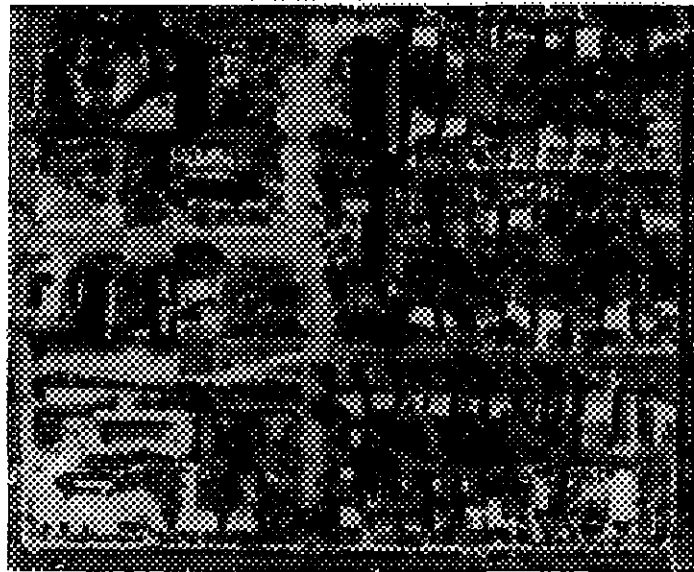


Anticipated Commercial Traffic Route



PLEASE VOTE NO TO COMMERCIAL ZONING ON BURNS!

We are asking that Austin City Council deny the GR zoning of 6208 Burns and direct Staff to initiate a zoning change for 6210 Burns back to the MF3 zoning that was in the original version of the staff recommended and neighborhood approved neighborhood plan and future land use map.



There are several reasons we are asking for this.

- We are asking for MF3 because that is what was decided during neighborhood planning. The neighborhood would have preferred SF, but compromised with Staff for a higher density buffer between the commercial on Lamar and the SF of the neighborhood. This decision was not made lightly. This decision was made over the course of the year long neighborhood planning process. -No spot zoning- and -placing buffers between incompatible zoning- were basic tenants of that process. This zoning violates both.
- We are asking for MF3 because this not a border issue. This is a lot that has residential on either side and across the street. We're not concerned about increased traffic at an entrance to our neighborhood. We are concerned about increased traffic through our neighborhood.
- We are asking for MF3 because this is a neighborhood. What are we going to be looking at from our doorsteps? Are we going to be looking at the back of a strip mall with ugly metal doors and dumpsters? This is a neighborhood with its own character and charm like any other. I can't imagine how this is going to be attractive. My home was awarded "Highland Neighbor of the Month" last year for the renovations and improvements we made to our property. With GR zoning, it will be next door to a commercial building.
- We are asking for MF3 because staff has stated this commercial zoning on a residential street sets a precedent that could, in their words, "damage the residential fabric" of the city of Austin as a whole. This is a case of commercial zoning in the middle of a neighborhood street. This is exactly the situation that the neighborhood planning process seeks to fix.

Why are we even considering a zoning change. There is no condition that exist that makes this property require rezoning for development. This property is prime for residential development, as

shown by several rental property rehabs in the neighborhood and a new build two doors down. There is also no shortage of commercial property available in Austin for development.

Zoning this GR would leave us with no buffer from commercial and a land owner that plans to funnel their exiting commercial traffic through our narrow residential streets. Streets with no sidewalks. Streets where children play and walk to school. Streets that already have problems with cut thru traffic.

We have tried to compromise.

The landowner has agreed to 5 prohibited uses.

- General Restaurant
- Limited Restaurant
- Indoor Sports and Recreation
- Indoor Entertainment
- Research Service

This is inadequate for compromise. It does nothing to keep our neighborhood safe or attractive.

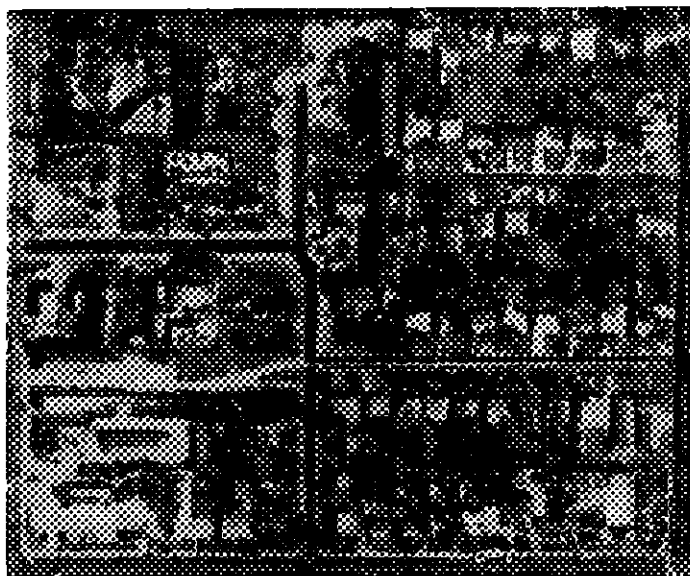
MF3 was a compromise to begin with. - Regardless of this, we have repeatedly offered a further compromise to reverse our stance against GR zoning for a restriction against commercial access to our residential street. The land owner has repeatedly refused this compromise.

Why? The land owner has declared no hardship other than -the design and options for building placement- will be more difficult with no access to Burns.

******* Addendum *******

September 1st, Ken McWilliams and his agent proposed a gated exit that would serve as a ***secondary*** exit for customers to exit with a rotating code.

After meeting the following evening with affected members of the neighborhood, we are concerned this proposal by Ken McWilliams and his agent will allow and promote the use of our neighborhood streets as the ***primary*** exit for delivery trucks, as shown in the following diagram.



At this meeting, neighbors informed me of a much higher level of use currently by delivery trucks than I had previously been aware (despite signage prohibiting it). One neighbor mentioned witnessing multiple delivery trucks simultaneously exiting the property illegally via Hammack just this week. Developing this property into the owners proposed interior design center concept would demand more and larger deliveries requiring more and larger trucks.

While we will continue to entertain suggestions to remedy this, we feel the most appropriate solution is limiting commercial access to Burns entirely. Previous attempts to control this by posting signage have been entirely ineffective. The property owner's proposal does not promise to control this either.

It is important to repeat that commercial zoning on these lots fronting onto the residential Burns Street is not what was originally proposed by staff, never discussed during neighborhood planning, is out of place and we feel inappropriate in the middle of our neighborhood. MF-3 zoning was originally proposed by staff and supported through neighborhood planning.

We are still willing to compromise.

While we are here asking for you to deny this zoning of GR on our neighborhood street, we acknowledge that the most we may be able to achieve here is a heavily weighted compromise. A compromise not favoring what is desirable to the majority. A compromise that favors this single land owner but at least offers some protection to the community. We regrettably, again feel forced to offer the compromise of GR on our neighborhood street in exchange for no vehicular access. We feel this compromise is extremely generous.

We deserve to be safe in our neighborhoods

- We deserve to be protected from dangerous traffic, just as we are protected from dangerous criminals.
- We deserve to be able to safely walk down our residential streets.
- We deserve a safe route for our children to take to school.

- Our children deserve a safe, attractive neighborhood to call home.

We are asking for MF3 on this property as was **-suggested by Staff-** and agreed to during the neighborhood planning process. Staff is now recommending the GR zoning, but has informed us that they are bound to change their recommendation to match what is in the future land use map, regardless of their educated opinion. This land was changed to commercial during the ratification of the neighborhood plan. No one opposed it, we think because the Lamar addresses were used instead of the Burns address. Ken McWilliams' attorney will tell you everyone clearly understood, but the fact is: The neighborhood missed it, Staff missed it and ultimately, this piece of property was zoned commercial with no opposition. We think it needs to be re-addressed.

We are asking that Austin City Council deny the GR zoning of 6208 Burns and direct Staff to initiate a zoning change for 6210 Burns back to the MF3 zoning that was in the original version of the staff recommended and neighborhood approved neighborhood plan and future land use map.

If, however, you choose to grant GR, we beg that you at least give us the protection of the 5, mutually agreed upon, prohibited uses and, most importantly, no commercial access to Burns St. from any commercial property that should plop down in the middle of our neighborhood.

C14-04-0012.00 Supporting Documentation

November 4th City Council Agenda (Agenda Item 45) C14-04-0012.003

Transcript from October 21st City Council Meeting (Agenda Item Z-22)

Transcript from September 30th City Council Meeting (Agenda Item Z-7)

City Council contact information

City Staff Case Worker - Greg Guernsey, 974-2387, greg.guernsey@ci.austin.tx.us